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COMMITTEE ON THE RIGHTS OF THE CHILD

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SUMMARY RECORD OF THE 687th MEETING

Held at the Palais Wilson, Geneva,
on Friday, 19 January 2001 at 10 a.m.

Chairperson: Ms. OUEDRAOGO

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The meeting was called to order at 10 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of Saudi Arabia (CRC/C/61/Add.2; written replies by Saudi Arabia (document without a symbol distributed in the meeting room in English only))

1. At the invitation of the Chairperson, Mr. Attar, Mr. Bayari, Mr. Al-Maslat, Mr. Turkistany, Mr. Al-Nasser, M. Al-Shamekh, Mr. Al-Harbi, Mr. Al-Dhubaiban, Mr. Al-Dabyan and Mr. Al-Rassi (Saudi Arabia) took places at the Committee table.

2. Mr. ATTAR (Saudi Arabia) said that the sharia protected children and guaranteed respect for their rights. Islam gave children a privileged position and viewed the family as the basic unit of society and the natural environment in which every child should grow up and develop.

3. The National Commission for Child Welfare was the body responsible for implementation of the Convention. Established in 1979 and restructured in 1997, its mandate included coordination of action by the various governmental and non-governmental bodies dealing with children's issues, compilation of data on measures taken and their outcome, publication of statistics and formulation of draft policies and programmes. It cooperated in all those areas with the international and regional organizations present in the country.

4. The text of the Convention had been disseminated to the governmental and non-governmental organizations concerned and a variety of measures had been taken to raise awareness of the principles and aims of the Convention in the general public and among children themselves. Workshops for teachers had been held to promote the introduction of new teaching methods conducive to respect for children's rights. The media also played an important role. Television and radio programmes were broadcast to inform children and give them an opportunity to air their views. Some newspapers published articles designed to alert children to their rights and duties. Special cultural events and meetings had also been organized for children.

5. The Government had consistently emphasized welfare and protection for all in its five-year plans. In recent financial years, budget appropriations for health and education had been increased. As a result, considerable progress had been made in the area of health. The country had 1,770 health centres that referred patients to general hospitals or specialized centres. Mother and child care centres had been opened and there had been a marked improvement in monitoring facilities for pregnant women. Vaccination campaigns had achieved coverage of 95 per cent for poliomyelitis and 99 per cent for tuberculosis.

6. Primary and secondary education was free, with equal access for girls and boys. A special effort was being made to improve the education system by placing greater emphasis on children's needs and interests. A national computer training programme for schools had been launched. All measures applied equally to rural and urban areas.

7. Programmes had been launched to cater for the needs of disadvantaged or vulnerable children. A Higher Council for the protection of disabled children had been set up to give children in that category access to specialized care and rehabilitation services and to provide them with study facilities. A directorate for the protection of orphans had been established. While priority was given to family care arrangements, a total of 63 centres existed for children deprived of their family environment. Placement measures were always guided by the best interests of the child and a support system for host families had been established.

8. Recent social initiatives included a free public telephone service offering advice and help to persons in difficulty and a help service for child victims of ill-treatment, which operated in close collaboration with the police, the courts and hospitals.

9. Ms. EL GUINDI said she regretted that the delegation was composed exclusively of men, although according to the report that men and women were equal. The principles proclaimed seemed to be refuted by the facts. Was it true, for example, that women did not have the right to travel or seek hospital treatment without having first obtained permission from a male member of their family? She also wished to know how much importance was attached to children's views, especially in connection with decisions affecting them, and what body was responsible for formulating and implementing policies concerning children.

10. Mr. DOEK welcomed the fact that Saudi Arabia's report had been submitted in reasonably good time and that it complied with the Committee's guidelines. He noted, however, that it contained lengthy descriptions of legislative and statutory instruments but little information on how the various bodies that dealt with children's issues worked in practice. Since Saudi legislation seemed to conform to the Convention and even to be more progressive in some respects, it was difficult to understand why the State party had entered a general reservation at the time it had ratified the Convention. Which provisions of the Convention were at variance with the sharia? Did the authorities intend to withdraw the general reservation or to enter a more specific reservation regarding individual articles of the Convention?

11. He had understood from reading the report that, within the National Commission for Child Welfare, the Supreme Council for Childhood was the decision-making body, the Planning and Follow-up Committee was responsible for programme development and the secretariat was the executive body. Was that correct? What was the composition of the various bodies? Was civil society represented? The report reviewed measures taken in the areas of health, social protection and education but there was nothing to indicate that their implementation was monitored, as it should be, by an independent institution, such as a committee appointed for the purpose or an ombudsman. Did all families have access to existing services?

12. As a large number of foreigners lived in Saudi Arabia, it would be useful to know whether they were workers from neighbouring countries, whether they were accompanied by their families and whether their children had access to educational, health and social services. The report laid considerable emphasis on the principle of the best interests of the child, which was commendable, but the Committee would like to know, more specifically, whether a child's right to express his or her view was respected in educational establishments and legal proceedings. Where the parents were divorced, could a derogation be made - in the interest of

the child - from the rule that children under seven were entrusted to the care of their mother and those over seven to that of their father?

13. Ms. RILANTONO wished to know from what age a child could seek medical advice without the consent of his or her parents. She stressed the importance of making children active partners in their development and asked whether children's right to be heard was guaranteed in keeping with the relevant provision of the Convention. She inquired about the status of children born of polygamous fathers, who were not mentioned in the report. She drew the delegation's attention to the fact that responsibility for follow-up to child welfare activities should be entrusted to an independent body and not to the National Commission for Child Welfare, which was attached to the Ministry of Education. How was the work of the central and local authorities coordinated? What share of the budget was allocated to programmes concerning children? And lastly, did non-governmental organizations (NGOs) receive State subsidies?

14. Ms. SARDENBERG asked whether the Saudi authorities intended to accede to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights. Noting that, under article 42 of the Convention, States parties were required to make principles and provisions of the Convention widely known, she asked whether the Government planned to publish the Committee's conclusions. What major changes had been made in 1997 when the National Commission for Child Welfare had been restructured following ratification of the Convention? Lastly, was the announced project to compile more systematic data on children linked to implementation of the Convention?

15. Ms. KARP, noting that respect for the rights of the child depended on a favourable background, welcomed the ratification by Saudi Arabia of the Convention on the Elimination of All Forms of Discrimination against Women. It was nonetheless difficult to see how the Convention on the Rights of the Child could be fully implemented in the country's current cultural environment.

16. Referring to the general reservation entered by Saudi Arabia on acceding to the Convention, she asked whether the provisions of the Convention had been examined to establish whether they were at odds with the sharia or with national customs and traditions. Only such an examination, carried out by Islamic experts enjoying the people's confidence, could facilitate the implementation of the Convention. Did Saudi Arabia plan to review its legislation on child protection and to mount educational and public awareness campaigns with a view to changing attitudes? Could the delegation indicate whether remedies existed for girl victims of rape or sexual violence in the family and whether they continued to be outlawed from society.

17. Ms. TIGERSTEDT-TÄHTELÄ asked whether national NGOs were financially independent, whether they had been consulted by the Government when the initial report was being prepared, whether they had the right to cooperate with NGOs in other countries or international NGOs, and whether they were authorized to propose new legislation and to become involved in monitoring the implementation of the Convention. Could children take part in NGO activities or was it necessary to enjoy legal capacity to become a member?

18. Mr. RABAH said that the sharia, which guaranteed a number of children's rights, should not be confused with local traditions and customs, which were far removed from the spirit of the Convention. Had the Government considered taking action to ensure that customs showed greater respect for the provisions of the Convention?

19. Could the delegation provide more precise information on the age of marriage? Referring to the best interests of the child, he asked whether a girl under 18 years of age could take legal action or file a complaint with the authorities in order to defend her interests, for instance if she was refused access to the school of her choice or permission to take part in social activities.

20. Had the Government taken steps to raise children's awareness of the Convention and had it established training programmes for juvenile judges, teachers, social workers and anyone active in the field of the protection of the rights of the child?

21. Ms. EL-GUINDI said that, while under the sharia a woman could not travel without the permission of her husband, there was no legal procedure in Saudi Arabia for obtaining that permission. How was that issue resolved within families? She drew attention to the fact that the age of majority was set according to the age of puberty, which was different for girls and boys and varied from individual to individual.

22. Mr. BAYARI (Saudi Arabia) said that men and women were equal before the law but that some customs and traditions tended in practice to restrict the rights of women. Thus, women were required to obtain the permission of their husband if they intended to travel. If urgent medical attention was required either for herself or her children, a woman could go by herself to the local hospital.

23. The Constitution had been amended to take the Convention into account. With regard to the child's right to be heard, discussion groups had been set up in schools in order to involve pupils in the establishment of the curriculum and to provide the opportunity for them to express opinions on any aspect of school life. Children could also express their concerns by presenting their own television and radio programmes, for which they were entirely free to choose the subject matter. Topics ranged from health and education to a variety of social problems. Cultural festivals were also organized for children on a regular basis.

24. Regional and district medical centres had been set up to respond to the needs of families, for instance by providing vaccinations. Children were entitled to go to those centres for vaccinations or to ask health-related questions. If their parents were too busy to accompany them to the centre, house visits could be organized in order to guarantee maximum coverage for vaccination programmes.

25. The National Commission for Child Welfare, which had the task of co-ordinating the activities of the relevant ministries, was composed of two bodies: the Supreme Council for Childhood, headed by the Minister of Education, comprising 12 senior officials belonging to the various government agencies concerned with child welfare; and the Planning and Follow-up Committee, headed by the Deputy Minister of Education for Cultural Affairs, with members representing all public or non-governmental agencies concerned with children.

26. The Supreme Council for Childhood was responsible for formulating a national strategy on child welfare, recommending programmes and projects relating to child welfare to the government agencies concerned and co-ordinating the activities of the various ministries. The role of the Planning and Follow-up Committee was to study the recommendations of the Supreme Council and to take the necessary follow-up measures, to carry out studies and research connected with child welfare, and to prepare new programme and project proposals for submission to the Supreme Council. A secretariat had also been established to plan and monitor the activities of the National Commission for Child Welfare, to ensure co-ordination between the various ministries, government agencies and national bodies concerned and to provide the public with information through the media.

27. Civil society was involved in the decision-making process. By way of example, various NGOs had participated in meetings of the Planning and Follow-up Committee and had helped to produce reports and studies.

28. Immigrants had the same rights as Saudi nationals and did not suffer from discrimination of any kind, particularly in the areas of education and health. They were entitled to the same primary, secondary and specialized health care as Saudi nationals. The Government was considering plans to introduce a social security system, which would allow everyone to benefit from medical advances.

29. Children, a term taken to mean all persons under 18 years of age, were grouped into the following categories according to age: under-sevens, seven to 10 years, 10 to 15 years and 15 to 18 years. Under the sharia, the children of divorced parents under the age of seven had to live with their mother, although the father was still required to contribute to the cost of raising the child. When the child was old enough to make a responsible choice, he or she could decide which parent to live with. Any child could go by himself to a hospital casualty department in an emergency, and the decision whether or not to call the parents was taken by the doctor in charge of the examination. Medical records remained in the archives of the hospital. A child had to be at least15 to have non-emergency medical treatment without notifying the parents.

30. The law on NGOs did not prohibit children from becoming members. NGOs were responsible for the management of their own budgets, and were entitled to State subsidies. With regard to the question of whether children could choose which school to go to, such decisions were traditionally taken jointly by the whole family, taking into account the wishes expressed by the child. Lastly, it was explained in paragraph 33 of the report why the sharia, which was based on the Koran and the Sunna, linked the minimum age for marriage to the capacity to start a family rather than to the age of majority.

31. Mr. AL-DABYAN (Saudi Arabia) said that efforts to raise awareness of the Convention consisted in distributing a copy to each ministry, organizing workshops for teachers and broadcasting television and radio programmes. Each ministry had also been given a copy of the initial report.

32. The secretariat of the National Commission for Child Welfare was in contact with all government agencies and NGOs. It submitted project proposals to the Planning and Follow-up Committee, which forwarded them after perusal to the Supreme Council for Childhood. The

Council, which included representatives of the Government, was responsible for actually approving projects. Once they were under way, those projects would be monitored by the Planning and Follow-up Committee, which would submit periodic evaluation reports to the Supreme Council. The secretariat tried to take into account the experiences of other State parties to the Convention and of NGOs, and to that end had established mechanisms to facilitate the exchange of information.

33. His country had taken part in the World Summit for Children in 1991 and had adopted the resulting guidelines. It would also send a delegation, including members of the National Commission for Child Welfare and NGO representatives, to the Special Session of the General Assembly on Children in September 2001.

34. Mr. AL-RASSI (Saudi Arabia) said that the Convention had been adopted by a very large consensus in the National Assembly and that its provisions were considered as minimum rather than maximum standards. The general reservation therefore had no practical repercussions and did not concern either the content or the objectives of the Convention. It was simply a precautionary measure to avoid interpretations of the Convention which might be inconsistent with the sharia. Such a position was not inconsistent with the Vienna Declaration and Programme of Action, which provided for cultural differences between nations to be taken into account in the implementation of international instruments.

35. All forms of discrimination against women or young girls were prohibited in Saudi Arabia, confirmation of which had been provided by the recent ratification of the Convention on the Elimination of All Forms of Discrimination against Women. In accordance with the sharia, and except in the case of threats to public order or morality, the State guaranteed the same protection to every citizen. Some customary practices which might be considered discriminatory against women still existed, but they were derived from popular traditions rather than from the sharia. Public awareness campaigns were being carried out in order to eliminate such practices.

36. Mr. AL-NASSER (Saudi Arabia) said that the need to offer children special protection was recognized by Islam. All Muslims had a duty to guarantee the rights of children, even when those rights were not specifically claimed. It was a way of strengthening their relationship with God and achieving rewards throughout their lives and beyond. Polygamy was a sensitive issue. Some people considered it to be a duty, since it was provided for under the sharia. In fact, it was an exception, designed to protect women in certain cases, in view of the fact that women gained status and therefore rights by marriage, which was preferable to the status of mistress.

The meeting rose at 1 p.m.